

Remarks

In the Office Action, Claims 1-31 were examined and stand rejected. In response, Claims 1, 2, 6, 9, 10, 11, 14, 17, 21, 24, and 28 are amended, Claims 3, 5, 7, 15, 16, 18, 20, and 22 are cancelled, and no claims are added. Applicants respectfully request reconsideration of pending Claims 1-31 in view of at least the following remarks and amendments.

I. Rejections Under 35 U.S.C. §102

Claims 1-12, 14-25, 28-29 and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Publication No. 2002/0122427 to Kamentsky (“Kamentsky”). Applicant respectfully disagrees with the Examiner’s assertions and characterizations of the cited reference.

Claim 1 recites:

1. A method comprising:
 - generating a moniker being associated with a wireless device;
 - providing the moniker to one or more host devices, the one or more host devices including one or more services;
 - receiving a discovery message, at the wireless device, the discovery message broadcast over a wireless link from a host device; and
 - determining whether the wireless device should respond to the discovery message broadcast by the host device if the discovery message includes the moniker associated with the wireless device. (Emphasis added.)

Kamentsky is generally directed to synchronization of bulk data transfers to end node devices, where synchronization of the bulk data transfers involves sending an initial schedule message prior to broadcast or multicast of a content file. (See Abstract.) In contrast with Claim 1, Kamentsky fails to disclose or suggest receiving a discovery message, at a first device, where the discovery message is broadcast over a wireless link from a host device, as in Claim 1.

Kamentsky does disclose the use of an initial schedule message that is sent prior to a broadcast or multicast of a content file to enable synchronization of bulk data transfers to end node devices in a multimedia network by indicating a data transmission time for the content file so that the end node device is aware of when to listen for the latter bulk data transmission of the content file (see page 1, para. 8), however, that is something completely different from receiving a discovery

message at a first wireless device, where the discovery message is broadcast over a wireless link from a host device, as in Claim 1.

Furthermore, in contrast with Claim 1, Kamentsky fails to disclose or suggest determining whether a wireless device should respond to a discovery message broadcast by a host device if the discovery message includes a moniker associated with the wireless device, as in Claim 1. According to the Examiner, this feature of Claim 1 is disclosed by paragraph 89 of Kamentsky. (See page 2, item 2, 5th paragraph of the Office Action mailed 7/16/07.) However, the Examiner's characterization of Kamentsky as well as paragraph 89 of Kamentsky is directed to the generation of transmission requests that contain module identifiers corresponding to the actual promotion content being delivered as well as data transmission parameters for controlling the time and manner of promotion transmission, where the data parameters may include the data transmission rate, multicast IP address import number. (See paragraph 89, page 7.) Neither paragraph 89 nor any other disclosure of Kamentsky discloses or suggests receiving a discovery message at the wireless device, the discovery message broadcast over a wireless link from a host device, much less that the wireless device determines whether the wireless device should respond to the discovery message broadcast by the host device if the discovery message includes the moniker associated with the wireless device, as in Claim 1.

For each of the above reasons, therefore, Claim 1, and all claims which depend from Claim 1, are patentable over the cited art.

Each of Applicant's other independent claims include features similar to those highlighted above in Claim 1. Therefore, all of Applicant's other independent claims, and all claims which depend on them, are patentable over the cited art for similar reasons. Consequently, we request that the Examiner reconsider and withdraw the §102(e) rejection of Claims 1-12, 14-25, 28-29, and 31.

II. Rejection Under 35 U.S.C. § 103

Claims 13, 26, 27 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kamentsky in view of U.S. Publication No. 2002/0172190 to Vatanen ("Vatanen"). Applicant

respectfully disagrees with the Examiner's assertions and characterizations regarding the cited references.

Regarding the Examiner's citing of Vatanen, Vatanen fails to rectify the above described deficiencies of Kamentsky with regarding the cited features of Claim 1. Each of Applicant's other independent claims include features similar to those highlighted above in Claim 1. Therefore, all of Applicant's other independent claims, and all claims which depend on them, are also patentable over the combination of Kamentsky in view of Vatanen. Consequently, Applicant respectfully requests that the Examiner reconsider and withdraw the §103(a) rejection of Claims 13, 26, 27, and 30.

DEPENDENT CLAIMS

In view of the above remarks, a specific discussion of the dependent claims is considered to be unnecessary. Therefore, Applicant's silence regarding any dependent claim is not to be interpreted as agreement with, or acquiescence to, the rejection of such claim or as waiving any argument regarding that claim.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending (1) are in proper form, (2) are neither obvious nor anticipated by the relied upon art of record, and (3) are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207-3800.

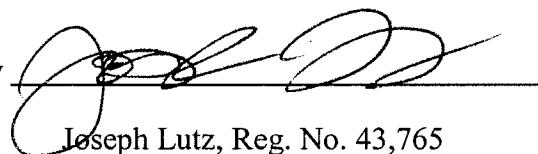
If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Dated: 10/16/07

By


Joseph Lutz, Reg. No. 43,765

1279 Oakmead Parkway
Sunnyvale, California 94085-4040
Telephone (310) 207-3800
Facsimile (408) 720-8383

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below to the United States Patent and Trademark Office.


Elaine Kwak 10/16/07
Date